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## CHAUCER AND THE EARL OF OXFORD

The exact significance of the Earl of Oxford's indorsement upon Chaucer's petition for permission to appoint a permanent deputy in his office of the customs may seem at first glance an unimportant matter. But the interpretation which has been given to it has been used so extensively as evidence for the chronology and interpretation of certain of Chaucer's works that the problem has become one of considerable moment. Professor Tatlock was the first to suggest a particular meaning for Oxford's indorsement.<sup>1</sup> After mentioning the fact that the petition is signed "Oxen\*" and inscribed at the top in the same hand "Le Roy lad grante," he wrote: "He [Oxford] clearly had no official connection with Chancery. There is no avoiding the conclusion, therefore, that it was the Earl of Oxford who was Chaucer's sponsor in the matter of the deputy. To judge from Mr. Kirk's note,<sup>2</sup> he not only signed the petition, but took it in person to the king, who in consequence may have taken an especial interest in the affair. Hence it seems impossible to connect the queen with the appointment of the deputy." In a later work, Professor Tatlock pointed out that this fact removed all necessity for assigning the "Prologue" to *The Legend of Good Women* to 1385,<sup>3</sup> and further rejected Bilderbeck's suggestion that *Anelida and Arcite* may be based on Oxford's repudiation of his wife, on the ground that Chaucer had only recently been under obligation to Oxford in the matter of the deputy.<sup>4</sup> These deductions have been accepted apparently by everyone.<sup>5</sup> Yet I think it can be shown that this indorsement by the Earl of Oxford indicates no connection with Chaucer at all, but is merely a piece of official business.

<sup>1</sup> "The Dates of Chaucer's *Troilus and Criseyde* and *Legend of Good Women*," *Modern Philology*, I, 328.

<sup>2</sup> *Life Records of Chaucer*, IV, 251. The only part of Mr. Kirk's note which concerns Oxford is this: "Signature of the ninth Earl of Oxford with an asterisk. He appears also to have written the words 'Le Roy lad grante,' at the head."

<sup>3</sup> *Development and Chronology of Chaucer's Works*, p. 121.

<sup>4</sup> *Ibid.*, p. 84.

<sup>5</sup> Hammond, *Chaucer: A Bibliographical Manual*, pp. 358, 380; Koch, *Englische Studien*, XXXVI, 141; Lowes, *P.M.L.A.* (new series), XII, 670.

In the first place such an indorsement by some member of the Privy Council was essential before a warrant could be issued by Chancery.<sup>1</sup> The legal theories of the time of Richard II held that "no writing expressed the King's command unless accompanied by the impress of the [Great] Seal,"<sup>2</sup> which was committed to the keeping of the chancellor. Further, no bill was indorsed by the Great Seal on a verbal warrant. Consequently the practice grew up of having some member of the Privy Council indorse the petition with his own signature and a statement of the king's will in the matter. From this indorsement of the petition, Chancery issued the desired warrant. Nearly all the petitions in the *Proceedings and Ordinances of the Privy Council* for the reign of Richard II are inscribed and signed in this way.<sup>3</sup> In regard to them Sir Harris Nicolas wrote: "The notification of the King's pleasure on the letter or petition submitted to him was always signed, and often written, by some member of the Council, probably by the individual who received His Majesty's commands on the subject."<sup>4</sup>

Not only does Sir Harris Nicolas fail to see any evidence of patronage in these indorsements; but the cases themselves show that the inscriptions and signatures are not evidences of patronage. In one, the Count of Milan seeks redress, in a letter, for some commercial grievances against England: the document is signed by T. Percy, certainly not a patron of the Count of Milan.<sup>5</sup> In another, the Duke of Exeter (John Holland, half-brother to Richard II), who

<sup>1</sup> Cf. A. V. Dicey, *The Privy Council*, pp. 35 ff.; J. F. Baldwin, "Early Records of the King's Council," *Am. Hist. Rev.*, XII, p. 2.

<sup>2</sup> Dicey, *op. cit.*

<sup>3</sup> Cf. *The Proceedings and Ordinances of the Privy Council*, ed. Sir Harris Nicolas. The petitions of Richard II's reign are in a confused condition. When Nicolas was publishing his collection, he could find no documents earlier than 1587, the year of Oxford's flight. Even for the remaining years of Richard's reign he could discover but a few documents belonging to the Privy Council. Later he himself discovered two documents of Edward III's time, and still more recently Mr. Baldwin has called attention to lately discovered papers of Richard's reign which are as yet unprinted (*Am. Hist. Rev.*, XII, 1 ff.). They were evidently dispersed in various places—Chaucer's, for example, being among the warrants in the office of Chancery. The petitions of Richard's time contained in the *Proceedings* are of the same character as Chaucer's, but usually concern larger matters. Like Chaucer's, they are in most cases addressed to the king; but unlike his, they seem in every case but one to have gone through the hands of the Privy Council. This difference, however, would not affect the rule of indorsing and signing. Cf. Dicey p. 35.

<sup>4</sup> *Proceedings*, etc., I, xviii.

<sup>5</sup> *Ibid.*, p. 24.

was in high favor at this time, and himself signing petitions,<sup>1</sup> seeks the income from certain estates: his petition is signed by W. le Scrope, king's chamberlain.<sup>2</sup> Furthermore, the indorsements in some cases merely instruct the council to look into the merits of the case.<sup>3</sup> Finally petitions presented *to the Privy Council only*, and ordinances passed by that body were similarly indorsed by J. Prophete, who, Sir Harris Nicolas thinks, was secretary to that body.<sup>4</sup>

In the second place, the duty of signing petitions seems from early times to have been considered a special part of the function of the king's chamberlain. Among the rules laid down fifty years later (1442) was one which provided that petitions must be countersigned by chamberlain or secretary.<sup>5</sup> Sir Harris Nicolas stated the usage thus: "The answers to Petitions were commonly, but not always, written at the head, and signed by a Member of the Council, who, in the reign of Henry the Fifth and Sixth, was generally the Chamberlain."<sup>6</sup> Later he said of the chamberlain: "To him was confided the responsible duty of indorsing upon all Petitions presented to the King, his Majesty's answers."<sup>7</sup> From the general fact that the development of legal procedure in England has always been one of making long-established customs into fixed law,<sup>8</sup> we may suppose that this usage, definitely placed in the rules of procedure for the Privy Council in 1442, had been in practice much more than fifty years. Furthermore, we have definite evidence that this was in large measure the case in Richard II's time, in the fact that W. le Scrope and T. Percy, at the time respectively chamberlain and vice-chamberlain, indorsed more petitions than anyone else from 1387-99—and in one document which I shall produce later. From all these facts, then, it seems unquestionable that the indorsement of petitions with a statement of the king's will and the signing of them was a kind of clerical duty incumbent upon members of the Privy Council and especially upon the king's chamberlain.

<sup>1</sup> *Proceedings*, etc., I, 78.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, pp. 69, 87.

<sup>4</sup> *Ibid.*, I, Introduction, p. xvii.

<sup>5</sup> Dicey, p. 39.

<sup>6</sup> *Proceedings*, VI, p. ccxiv.

<sup>7</sup> *Ibid.*, p. ccxix.

<sup>8</sup> Cf. Dicey, *op. cit.*, pp. 30 ff., on development of the power of chancellor.

Now the Earl of Oxford had by inheritance the office of king's chamberlain, and in 1385 he was actually exercising that office.<sup>1</sup> He is mentioned repeatedly in the Patent Rolls of Richard II as king's chamberlain.<sup>2</sup> And by what can hardly be more than a lucky chance, since reference to indorsements is ordinarily not made in the Patent Rolls, we have clear evidence that in 1385 Oxford was indorsing petitions as part of his business as king's chamberlain. Under date of January 10, 1385, appears this entry:<sup>3</sup>

Grant, at the request of the king's kinsman, the Earl of Nottingham, that Robert de Selby of Kyngeston-upon-Hull shall be the deputy (*locum tenens*) during good behaviour, of the king's chief butler in that port.

By bill granted by K[ing]; and sealed by the Earl of Oxford, his chamberlain.

Here we have indubitable evidence that Oxford had indorsed the document of a petitioner for whom another noble was sponsor, and that he had done so as part of his business as chamberlain.

Furthermore, and perhaps more conclusive still, the clerks in the office of Chancery did not understand the indorsement on Chaucer's petition as an indication of Oxford's patronage, for they did not mention Oxford as sponsor in the entry on the Patent Rolls.<sup>4</sup> Yet the Patent Rolls do frequently mention the name of the noble at whose request the patent was issued, for example in the case just quoted and many others that can be found easily by a glance through the Calendars.<sup>5</sup> Evidently there was some other way of indicating on the petition the name of the sponsor.

Since, then, Oxford, in indorsing Chaucer's position as he did, was merely performing a secretarial act, which was part of his function as an official of the court, and since the clerks who made out Chaucer's warrant apparently did not understand Oxford's signature as an indication of patronage, we must conclude that Oxford's writing upon the petition is not evidence that he was sponsor for the poet in his request.

<sup>1</sup> Cf. *D.N.B.*; *Proceedings*, VI, p. ccxxi.

<sup>2</sup> E.g., 1381-85; pp. 177, 238, 314, 447.

<sup>3</sup> *Ibid.*, p. 529.

<sup>4</sup> *Life Records*, IV, 251.

<sup>5</sup> For cases in which Oxford himself is indicated as patron, see Patent Rolls, 1381-85, pp. 233, 238, 399.

## NOTE

Since the publication of my dissertation, *Chaucer's Official Life*, I have discovered that Professor Tatlock had already identified Chaucer's Bukton as Robert Bukton; see his *Development and Chronology*, pp. 210-11, note. I am very sorry to have missed so important a reference, and can plead in defense only that when I first read Professor Tatlock's book, I had no special interest in Bukton. Later, when my interest in him was awakened, the absence of an index in Professor Tatlock's book made it difficult to discover all that it contained. It unfortunately did not occur to me to look in the chapter on "The Wife of Bath's Prologue and Tale," etc., for information on Bukton. Greatly as I regret having made this blunder, I am glad to find my own deductions confirmed by those of so eminent a scholar as Professor Tatlock.

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